

**REMARKS/ARGUMENTS**

Upon entry of this amendment, which amends claims 1, 4, 7, 11-12, 14, 19-20, and 22-25, and adds new claims 26-58, claims 1-58 will be pending. In the Office Action, the drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(4); claim 11 was objected to because of informalities; claims 1, 2, 3, 8, 10-13, 15, 17-18, 20-21, and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett (U.S. Patent Application No. 2002/0048277); and claims 4-7, 9, 14, 15, 19, 22-23, and 25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Applicants respectfully traverse the rejections and/or request reconsideration.

Allowable Subject Matter

Applicants respectfully thank the Examiner for the indication of allowable subject matter.

Drawing Objections

The drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because new reference character "26" is used to designate both characters 26 and 28. In response, Applicants have amended one of the reference characters "26" to be "28" in Fig. 2. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Objections

Claim 11 was objected to because of the following informalities, claim 11 discloses "a buffer management policy according to claim 2", where neither claim 1 nor claim 2 discloses a buffer management policy. In response, Applicants have amended "buffer management policy" to be "method". Applicants respectfully request withdrawal of the objection of claim 11.

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**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2 replaces the original sheet including Fig. 2. The right hand reference number of 26 is changed to 28.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

Section 102 Rejections

Claims 1-11 and 48-49

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett. Applicants respectfully traverse the rejection. Claim 1 recites allocating a portion of the space in the buffer to the at least one group, responsive to the number of the queues in the at least one group. Bennett does not disclose or suggest this step. It is also noted that the Office Action did not state where the above allocating step is disclosed or suggested by Bennett. Accordingly, Applicants respectfully request that the Examiner indicate where an allocating step is disclosed or suggested by Bennett.

Applicants further submit that the allocating step is not disclosed or suggested by Bennett. Bennett is directed towards discarding queues of data when capacity for a node is exceeded. *See Bennett*, par. 6. Bennett sorts queues into a series of buckets based on the sizes of the queues. When capacity is exceeded for the node, a queue is discarded from a group. *See Bennett*, par. 32. Thus, because capacity for a node is used as a reference for determining if capacity is exceeded and not capacity of a group, Bennett is not concerned with allocating space to a group based the number queues in the group. The reason the queues are sorted into groups is because the decision to discard is made based on how the queues were sorted in the groups. *See Bennett*, pars 33 and 34.

Claim 1 also recites accepting a data packet into one or more queues in said at least one group responsive to whether the data packet will cause the space occupied in the buffer by the queues in the group to exceed the allocated portion of the space. Bennett does not disclose or suggest the above accepting step. Thus, Bennett discloses determining if a capacity is exceeded for a node and accepting a packet if the capacity is not exceed by the node. *See Bennett*, par. 32. In contrast, claim 1 recites accepting a data packet into a queue if the space occupied in the buffer by the queues in the group exceeds the allocated portion of the space to the group.

Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1. Claims 2-11 and 48-49 depend from claim 1 and thus derive patentability at least therefrom.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 2-11 and 48-49.

Claims 12-19 and 50-51

Claim 12 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett. Applicants submit that Bennett does not disclose or suggest every element of claim 12. For example, Bennett does not disclose or suggest establishing a total maximum buffer space of  $B_k$  for said number  $k$  of said  $N$  output queues, wherein  $B_k < M$ . Further, Bennett does not disclose or suggest if the acceptance of an arriving packet destined for one of said  $k$  queues will cause the space used by said  $k$  queues together to exceed  $B_k$ , rejecting said packet. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 12.

Claims 13-19 and 50-51 depend from claim 12 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 13-19 and 50-51.

Claims 20-25 and 52-54

Claim 20 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bennett. Applicants submit that Bennett does not disclose or suggest every element of claim 20, as amended. For example, Bennett does not disclose or suggest a controller configured to allocate the space in the buffer to the output queues in accordance with said sorted order such that a portion of the space is allocated to a group of the queues comprising a given number of the queues responsive to the given number of the queues in the group. Further, Bennett does not disclose or suggest wherein the controller is configured to accept a data packet into one of the queues in the group responsive to whether the data packet will cause the space occupied in the buffer by the queues in the group to exceed the allocated portion of the space. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 20.

Claims 21-25 and 52-54 depend from claim 20 and thus derive patentability at least therefrom. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 21-25 and 52-54.

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New claims 26-47 and 55-58

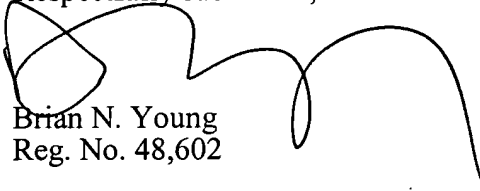
Applicants submit the cited references do not disclose or suggest every element of new claims 26-47 and 55-58.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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Attachments  
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FIG. 2

